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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,321	04/28/2000	Michael Wayne Brown	AUS000037US1	3980

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EXAMINER

CHEN, SHIN HON

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/560,321

Applicant(s)

BROWN ET AL.

Examiner

Shin-Hon Chen

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-43 have been examined.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 10-16, 19-25, 28, 29, 32, 33, 34, 37, 38, 40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway Jr. U.S. Patent Application Publication No. 20020026363 (hereinafter Dunaway) in view of Ichikawa PCT No. WO9820641 (hereinafter Ichikawa).

As per claim 1, 10, and 19, Dunaway discloses a method for managing distribution of electronic recipes (Dunaway: summary of invention and paragraphs 60-67: the recipe section), said method comprising the steps of: browsing a selection of ingredients of a particular electronic recipe accessible at a particular web site (Dunaway: paragraphs 60-67 and summary of invention: incorporation and adaptation to a web based infrastructure) wherein said selection of ingredients are prepare at a food retailer server system associated with a food retailer that intends to prepackage said selection of ingredients (Dunaway: summary of invention and paragraphs 60-67: personal chef of the system); and transmitting instructions for preparing said electronic recipe and said selection of ingredients to a computer system associated with a particular user (Dunaway: paragraph 64: prepare the recipe), such that said particular electronic recipe is

Art Unit: 2131

distributed to said particular user where said selection of ingredients is accessible to said particular user (Dunaway: paragraphs 64-71: the menu and recipe selection).

Dunaway discloses the method of managing distribution of electronic recipe and the recipe and ingredients are accessible after the customer has registered and authenticated. Dunaway does not explicitly disclose the method of encrypting the electronic recipe so that it is not accessible to unauthorized people. However, Ichikawa discloses that limitation (Ichikawa: abstract and summary of invention). It would have been obvious to one having ordinary skill in the art to combine the teachings of Ichikawa within the system of Dunaway because Dunaway uses the authentication method to prohibit unauthorized people from viewing the recipe and ingredients while Ichikawa's teachings can also prohibit unauthorized people from viewing the recipe by using encryption. Therefore, same goal is reached through alternative methods.

As per claim 2, 11, and 20, Dunaway discloses the method for managing distribution of electronic recipes according to claim 1, Dunaway further discloses said method comprising the step of: adjusting said particular electronic recipe for said particular user at said particular web site according to food preferences received for said particular user at said particular web site (Dunaway: paragraphs 61-63).

As per claim 3, 12, and 21, the combination of Dunaway-Ichikawa discloses the method for managing distribution of electronic recipes according to claim 2, Dunaway further discloses said step of adjusting said particular electronic recipe for said particular user according to food preferences further comprising the step of: substituting ingredients in said particular electronic recipe (Dunaway: paragraph 63).

Art Unit: 2131

As per claim 4, 13, and 22, the combination of Dunaway-Ichikawa discloses the method for managing distribution of electronic recipes according to claim 2, Dunaway further discloses said step of adjusting said particular electronic recipe for said particular user according to food preferences further comprising the step of: adjusting amounts of ingredients included in said particular electronic recipe (Dunaway: paragraph 63).

As per claim 5, 14, and 23, Dunaway discloses the method for managing distribution of electronic recipes according to claim 1, Dunaway further discloses said method further comprising the step of: requiring registration of said particular user prior to enabling access to said particular electronic recipe (Dunaway: paragraphs 49-55).

As per claim 6, 15, and 24, the combination of Dunaway-Ichikawa discloses the method for managing distribution of electronic recipes according to claim 1, Dunaway further discloses said method further comprising the step of: requiring electronic payment by said particular user prior to enabling access to said particular electronic recipe (Dunaway: paragraphs 51-52 and paragraphs 81-86).

As per claim 7, 16, and 25, the combination of Dunaway-Ichikawa discloses the method for managing distribution of electronic recipes according to claim 1, Dunaway further discloses allowable food retailers are allowed to view and extract information filled out by the clients (Dunaway: paragraphs 97-1031 paragraph 71: the selections are submitted to the website and are made available to the chef and management). Dunaway does not explicitly disclose said method further comprising the steps of: receiving a request for a decryption key for said encrypted selection of ingredients from a particular food retailer; comparing said particular food retailer with a list of allowable food retailers; and only allowing access to said decryption key for said

Art Unit: 2131

encrypted selection of ingredients to said particular food retailer in response to finding said particular food retailer in a plurality of allowable food retailers for said particular web site.

However, Ichikawa discloses that limitation (Ichikawa: summary of invention: only authorized user can receive the decryption key to decrypt the data). It would have been obvious to one having ordinary skill in the art to combine the teachings of Ichikawa within the system of Dunaway because it is well-known in the art for authorized users to obtain decryption key to decrypt the data and authorized users are identified through various methods such as comparing the user with a database or list. Also, same rationale applied in claim 1 can be applied here.

As per claim 28 and 33, Dunaway discloses a method for managing preparation for an electronic recipe (Dunaway: summary of invention and paragraphs 60-67: the recipe section), said method comprising the steps of: receiving a particular recipe with instructions for preparing said particular recipe and ingredients for said particular recipe from a particular web site at a computer system associated with a particular user (Dunaway: paragraphs 63-64); and transmitting said ingredients to a particular food retailer server system that is enabled to prepare said ingredients and pre-package said ingredients (Dunaway: paragraph 67: submit the order), such that said computer system manages requests for preparation of ingredients of an electronic recipe (Dunaway: paragraph 142).

Dunaway discloses the method of managing distribution of electronic recipe and the recipe and ingredients are accessible after the customer has registered and authenticated. Dunaway does not explicitly disclose the method of encrypting the electronic recipe so that it is not accessible to unauthorized people. However, Ichikawa discloses that limitation (Ichikawa: abstract and summary of invention). It would have been obvious to one having ordinary skill in

Art Unit: 2131

the art to combine the teachings of Ichikawa within the system of Dunaway because Dunaway uses the authentication method to prohibit unauthorized people from viewing the recipe and ingredients while Ichikawa's teachings can also prohibit unauthorized people from viewing the recipe by using encryption.

As per claim 29 and 34, the combination of Dunaway-Ichikawa discloses the method for managing distribution of electronic recipes according to claim 28. Dunaway further discloses said method further comprising the step of: searching from a plurality of food retailer server systems for a food retailer that is enabled to prepare said ingredients and pre-package said ingredients (Dunaway: paragraphs 120 and 124). Dunaway does not explicitly disclose about encrypting and decrypting the ingredients. However, Ichikawa discloses that limitation (Ichikawa: abstract and summary of invention). Same rationale applies here as above in rejecting claim 28.

As per claim 32 and 37, the combination of Dunaway-Ichikawa discloses the method for managing distribution of electronic recipes according to claim 28. Dunaway further discloses said method further comprising the step, of: transmitting food preferences for said particular user to said particular web site such that said particular recipe is specified for said particular user prior to transmittal from said particular web site to said computer system (Dunaway: paragraphs 63 and 83).

As per claim 38, 40, and 42, Dunaway discloses a method for managing preparation of a portion of a recipe (Dunaway: summary of invention and paragraphs 60-67: the recipe section), said method comprising the steps of: receiving ingredients at a particular food retailer server system from a particular user for a recipe provided by a particular web site (Dunaway:

Art Unit: 2131

paragraphs 61-67: send the information); controlling pre-packaging of said ingredients at said particular food retailer for said particular user, such that said particular food retailer manages preparation of encrypted ingredients for a particular user (Dunaway: paragraph 142). Dunaway does not explicitly disclose encrypting the ingredient and decrypting said encrypted ingredients with a decryption key received from said particular web site. However, Ichikawa discloses that limitation (Ichikawa: summary of invention and abstract). It would have been obvious to one having ordinary skill in the art to combine the teachings of Ichikawa within the system of Dunaway because Dunaway uses the authentication method to prohibit unauthorized people from viewing the recipe and ingredients while Ichikawa's teachings can also prohibit unauthorized people from viewing the recipe by using encryption. Therefore, same goal is reached through alternative methods.

4. Claims 8, 17, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway in view of Ichikawa and further in view of Moran U.S. Pat. No. 6539380 (hereinafter Moran).

As per claim 8, 17, and 26, the combination of Dunaway-Ichikawa discloses the method for managing distribution of electronic recipes according to claim 1, Dunaway does not explicitly disclose said step of encrypting a selection of ingredients of a particular electronic recipe accessible at a particular web site according to a particular user requesting said particular electronic recipe, further comprising the step of: limiting a number of times that said encrypted selection of ingredients of said particular recipe is fillable for said particular user. However, Moran discloses that limitation (Moran: column 8 lines 55-64: the user may purchase a service



Art Unit: 2131

limited to a number of repetitions). It would have been obvious to one having ordinary skill in the art to combine the teachings of Dunaway, Ichikawa, and Moran because it controls the user access to a limited amount of time to prevent hacking.

5. Claims 9, 18, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway in view of Ichikawa and further in view of Murray U.S. Pat. No. 6392668 (hereinafter Murray).

As per claim 9, 18, and 27, the combination of Dunaway-Ichikawa discloses the method for managing distribution of electronic recipes according to claim 1, Dunaway-Ichikawa does not explicitly disclose said step of transmitting instructions for preparing said electronic recipe and said encrypted selection of ingredients to a computer system associated with said particular user, further comprising the step of: transmitting said instructions for preparing said electronic recipe and said encrypted selection of ingredients in an extensible mark-up language data format. However, Murray discloses that limitation (Murray: summary of invention: XML). It would have been obvious to one having ordinary skill in the art to combine the teachings of Dunaway, Ichikawa, and Murray because the website discloses by Dunaway uses HTML and website contents are not limited to be written in a certain language.

6. Claim 30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway in view of Ichikawa and further in view of Garney et al. U.S. Pat. Appl. Pub. No. 20020042891 (hereinafter Garney).

Art Unit: 2131

As per claim 30 and 35, the combination of Dunaway-Ichikawa discloses the method for managing distribution of electronic recipes according to claim 28. Dunaway discloses scheduling (Dunaway: paragraph 106 and 120). However, Dunaway does not explicitly disclose said step of transmitting said encrypted ingredients to a particular food retailer server system further comprising the steps of: adding said particular recipe to an electronic schedule for preparation; and transmitting said encrypted ingredients to said particular food retailer Server system according to said electronic schedule. However, Garney discloses that limitation (Garney: paragraph 40: global schedule determines when agents can submit read request...). It would have been obvious to one having ordinary skill in the art to combine the teachings of Dunaway, Ichikawa, and Garney because scheduling prevents resource contention.

7. Claims 31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway in view of Ichikawa and further in view of Ali U.S. Pat. No. 6549818 (hereinafter Ali).

As per claim 31 and 36, the combination of Dunaway-Ichikawa discloses the method for managing distribution of electronic recipes according to claim 28. Dunaway-Ichikawa does not explicitly disclose the method further comprising the step of: transmitting cooking instructions for said particular electronic recipe from said computer system to a particular cooking device that will cook said dish prepared from said particular electronic recipe. However, Ali discloses that limitation (Ali: summary of invention: the appliance computer is an Internet-accessing appliance, the cooking recipe is an Internet-downloaded recipe). It would have been obvious to one having ordinary skill in the art to combine the teachings of Dunaway, Ichikawa, and Ali because it allows the cooking device to store more various types of recipe into the system.

8. Claims 39, 41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway in view of Ichikawa and further in view of Sugimori U.S. Pat. No. 6047265 (hereinafter Sugimori).

As per claim 39, 41, and 43, the combination of Dunaway-Ichikawa discloses the method for managing distribution of electronic recipes according to claim 38. Dunaway-Ichikawa does not explicitly disclose the said method further comprising the step of: transmitting a request for said decryption key to said particular web site. However, Sugimori discloses that limitation (Sugimori: summary of invention: the request for decoding key is sent directly from the gift-receiver). It would have been obvious to one having ordinary skill in the art to combine the teachings of Dunaway, Ichikawa, and Sugimori because with the request for decoding sent from the receiver, the security can be insured in a transaction of commodity on the network because the authorized receivers can be identified.

#### ***Response to Arguments***

9. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Art Unit: 2131

10. Regarding Dunaway reference, the applicant argues that Dunaway does not disclose encrypted selection of ingredients. However, Dunaway is not relied upon for use of encryption as explained in the previous office action.

11. Furthermore, applicant argues that Ichikawa does not disclose a selection of ingredient that is accessible to the user. However, Ichikawa discloses that data are unavailable to users and only authorized users can retrieve the data (page 2 lines 20-29). Therefore, Ichikawa discloses that limitation.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2131

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (703) 305-8654. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-3138.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Shin-Hon Chen  
Examiner  
Art Unit 2131

SC

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
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